

1-5537F

Atty. Dkt. 16218-4

**DECLARATION AND
POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **PORTABLE X-RAY DEVICE** the specification of which

(check one) ☒ is attached hereto.

☐ was filed on _____, Serial No. _____ and was amended on _____ (if applicable).

☐ was filed as PCT International Application No. _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number) (Country) (Day/Month/Year Filed) ☐ ☐
Yes No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each

09056220 "040798

of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

S.N. 08/799,437 filed 02/13/97 Pending
(Application Serial No.) (Filing Date) (Status-pat./pending/abandoned)

S.N. 08/574,768 filed 12/19/95 Issued
(Application Serial No.) (Filing Date) (Status-pat./pending/abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Clifford W. Browning, No. 32,201; Harold R. Woodard, No. 16,214; C. David Emhardt, No. 18,483; Joseph A. Naughton, Jr., No. 19,814; John V. Moriarty, No. 26,207; John C. McNett, No. 25,533; Thomas Q. Henry, No. 28,309; James M. Durlacher, No. 28,840; Charles R. Reeves, No. 28,750; Vincent O. Wagner, No. 29,596; Steve Zlatos, No. 30,123; Spiro Bereveskos, No. 30,821; William F. Bahret, No. 31,087; R. Randall Frisk, No. 32,221; Daniel J. Lueders, No. 32,581; Kenneth A. Gandy, No. 33,386; Timothy N. Thomas, No. 35,714; Kerry P. Sisselman, No. 37,237; Kurt N. Jones, No. 37,996; John H. Allie, No. 39,088; Holiday W. Banta, No. 40,311; Troy J. Cole No. 35,102; L. Scott Paynter, No. 39,797; Lisa A. Hiday, No. 40,036; J. Andrew Lowes, No. 40,706. Darrin Wesley Harris, No. 40,636; Matthew R. Schantz, No. 40,800; Gregory B. Coy, No. 40,967; John V. Daniluck, No. 40,581; Christopher A. Brown, No. 41,642; and Arthur J. Usher IV., Reg. No. 41,359.

Address all telephone calls to: Clifford W. Browning at (317) 634-3456.

Address all correspondence to: Clifford W. Browning, Esq.
WOODARD EMHARDT NAUGHTON MORIARTY &

McNETT

Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137

Full name of first inventor: Dale A. Miles

Inventor's Signature: Dale A. Miles

Date: April 6, 1998

Residence: 13201 Brookshire Parkway, Carmel, Indiana 46033

Citizenship: United States of America

Post Office Address: 13201 Brookshire Parkway, Carmel, Indiana 46033

0905520-040798

1-5538F

Atty. Dkt. 16218-4

APPLICANT OR PATENTEE: Dale A. Miles

SERIAL OR PATENT NO:

FILE OR ISSUE DATE: Concurrently Herewith

TITLE: PORTABLE X-RAY DEVICE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled PORTABLE X-RAY DEVICE described in

☒ The specification filed herewith.

☐ Application Serial No. _____, filed _____

☐ Patent No. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ no such person, concern, or organization

☐ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME: _____

ADDRESS: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME: _____

ADDRESS: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

April 6, 1998
Date of Signature

Dale A. Miles
Dale A. Miles

0905620-040798